IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

CIVIL APPLICATION NO. 1947 OF 2005

. . . . . .

Office Notes, Office Memoranda of Coram, appearances, Court' s Orders or directions and Registrar's Orders	**Court's or Judge's Orders**

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Ms. Archana Kokalgi i/b Shri T. S. Ingale for Applicant.

None for Respondent.

CORAM: S. B. DESHMUKH, J.
DATE : SEPTEMBER, 15, 2006.

P. C.

1. Heard the learned counsel Ms. Archana Kokalgi instructed by Shri Ingale, appears for the applicant.

2. Learned counsel for the applicant, submits, that respondent was duly served by advocate's notice. Affidavit of applicant Mr. Sandeep Pawar whose affidavit is sworn on 1st February, 2006, appears that the respondent is duly served with the

copy of this Civil Application for seeking condonation of delay. This service is effected by RPAD and affidavit of advocate Sandeep Pawar and xerox copy of the affidavit is also filed on record. I am satisfied that respondent is duly served of this Civil application. Despite this service, none appears for the respondent.

3. From the Civil application, it appears that Regular Civil Appeal No. 252/1997 is decided and disposed of by the appellate court on March 28, 2005. The appellant is the Municipal Council, established in accordance with the provisions of Maharashtra Municipal Council & Industrial Townships Act, 1965. The delay occurred is explained in paragraph No. 5. According to the applicant it is a procedural delay.

4. None appears for the

respondents. No affidavit in reply, refuting the contentions raised in paragraph 4 and 5 has been filed on behalf of the respondent.

5. In this view of the matter, I am satisfied that, delay of 84 days in filing of appeal in this Court is satisfactorily explained by the applicant. Delay of 84 days' occurred in filing the appeal in this court is condoned.

6. Civil Application is accordingly allowed and disposed of.

(S. B. DESHMUKH, J.)